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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 11/19/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary

Application No.

10/015,801

Applicant(s)

WOLLRATH ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14 and 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. Claims 5-9 and 14-22 remain pending for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 10/22/03 and 8/25/03 complies with the provision of M.P.E.P. 609. It has been placed in the application file. The information referred to therein has been considered as to the merits. (See attached form).

Response to Applicant's Remarks

3. Applicant's arguments filed on August 20, 2003 with respect to claims 4-9 and 14-22 have been considered but are not persuasive because of the following:

Claim Rejections - 35 U.S.C. § 102

- A. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371[©] of this title before the invention thereof by the applicant for patent.

Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No.

6,343,308 issued to Marchesseault (hereinafter "Marchesseault").

As per claim 19, Marchesseault teaches a method for executing computer code in a distributed computer system as claimed, comprises receiving a registration of interest in an event, the registration including computer code (thus, a computer usable medium having first computer readable program code means embodied in said medium for downloading the applet to the client wherein the applet includes each object class called within the applet, the computer usable medium having second computer readable program code means embodied in said medium for downloading to the client a class interface having at least one respective identifier for the object class associated with the second Java version of the Java Virtual Machine called by the applet; which is equivalent to for executing computer code in a distributed computer system as claimed, comprises receiving a registration of interest in an event, the registration including computer code)(see col. 14, lines 23-32);

transmitting a message including the computer code in response to the event (thus, sending a request to activate the applet from the client to a server hosting the applet; which is equivalent to transmitting a message including the computer code in response to the event)(see col. 12, lines 20-22); and

executing the computer code transmitted in the message (thus, sending a request to activate the applet from the client to a server hosting the applet; which is readable as executing the computer code transmitted in the message)(see col. 12, lines 20-22). Further, in column 4, lines 27-29, Marchesseault teaches the loader performs validity verification by parsing through the code of each downloaded class and verifying that methods called therewithin are available.

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Claim Rejections - 35 USC § 103

B. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9, 14, 15, 16-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,343,308 issued to Marchesseault (hereinafter ("Marchesseault")) in view of U.S. Patent No. 5,101,346 issued to (hereinafter "Ohtsuki").

As per claims 5, 18 and 20, Marchesseault teaches a distributed computer system comprising a first virtual machine (thus, a first Java version of a Java Virtual Machine running on a client, which is equivalent to a first virtual machine)(see col. 2, lines 25-26);

from the first machine, a registration of interest in an event and transmits a message in response to the event, the registration of interest and the message including computer code (thus, a computer usable medium having first computer readable program code means embodied in said medium for downloading the applet to the client wherein the applet includes each object class called within the applet, the computer usable medium having second computer readable program code means embodied in said medium for downloading to the client a class interface having at least one respective identifier for the object class associated with the second Java version of the Java Virtual Machine called by the applet; which is readable as a registration of interest in an event and transmits a message in response to the event, the registration of interest and the message including computer code)(see col. 14, lines 23-32). Further, in column 4, lines 27-29,

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Marchesseault teaches the loader performs validity verification by parsing through the code of each downloaded class and verifying that methods called therewithin are available.

Marchesseault does not explicitly indicate a second virtual machine executing a process that receives; and a third virtual machine. However, Ohtsuki implicitly indicate a system comprises a plurality of virtual machines each including the same number of instruction processors, (see col. 2, lines 16-26). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teachings of Marchesseault and Ohtsuki with a second virtual machine for receiving the message and executing the computer processor. Such modification would allow the teachings of Marchesseault and Ohtsuki to provide a plurality of operating systems to run on an information processing system, (see col. 1, lines 11-13).

As per claims 6 and 7, Marchesseault teaches the subject matter except wherein the message transmitted by the second virtual machine. However, Ohtsuki teaches a system comprises a plurality of virtual machines each including the same number of instruction processors, (see col. 2, lines 16-26). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teachings of Marchesseault and Ohtsuki with a second virtual machine. Such modification would allow the teachings of Marchesseault and Ohtsuki to provide a plurality of operating systems to run on an information processing system, (see col. 1, lines 11-13).

As per claim 8, Marchesseault teaches a distributed computer system as claimed, wherein each said virtual machine is stored a separate computer system (thus, a method of executing an

applet within a first Java version of a Java Virtual Machine running on a client, which is equivalent to virtual machine is stored a separate computer system)(see col. 11, lines 66-67).

As per claim 9, Marchesseault teaches a distributed computer system as claimed, wherein the computer is implemented in an object (thus, wherein the application includes at least one call to an object class of a second version of the runtime system, which is equivalent to computer is implemented in an object)(see col. 2, lines 4-6).

As per claim 14, Marchesseault teaches a distributed computer system as claimed, wherein the event includes a change in the system state (thus, at least one call to a second java version object class; which is equivalent to wherein the event includes a change in the system state)(see col. 2, lines 26-27).

As per claim 15, Marchesseault teaches a distributed computer system as claimed, wherein the event includes one selected from the group consisting of a timer event, a mouse click event, and a disk access event, (see col. 3, lines 27-35).

As per claims 16, the limitations of claim 16 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claims 17, the limitations of claim 17 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

As per claim 21, in addition to the discussion in claim 5, Marchesseault further teaches a message including a registration object characterized as an object having closure (thus, wherein the application includes at least one call to an object class of a second version of the runtime system; which is equivalent to a message including a registration object characterized as an object having closure)(see col. 2, lines 4-6);

whereby the first the first entity is not aware of functions available to the entity provided with the notification due to the disclosure of the registration object (thus, each downloaded second Java version object class is identified by the loader within the JVM, the existence in the class interface of a respective identifier for each downloaded second Java version object class is verified, the downloaded applet is then executed within the JVM without causing error conditions by any calls to second Java version object classes having a respective identifier in the class interface, calls to second Java version object classes not identified within the downloaded class interface are not allowed; which is readable as whereby the first the first entity is not aware of functions available to the entity provided with the notification due to the disclosure of the registration object (thus, each downloaded second Java version object class is identified by the loader within the JVM, the existence in the class interface of a respective identifier for each downloaded second Java version object class is verified, the downloaded applet is then executed within the JVM without causing error conditions by any calls to second Java version object classes having a respective identifier in the class interface, calls to second Java version object classes not identified within the downloaded class interface are not allowed)(see col. 2, lines 36-45).

As per claim 22, in addition to the discussion in claim 5, Marchesseault further teaches the event registration message further includes event information identifying the event of interest and software information identifying a software entity to be notified upon occurrence of the event (thus, verifying that each identified object class associated with the second Java version of the Java Virtual Machine has a respective identifier in the class interface; which is readable as event information identifying the event of interest and software information identifying a software entity to be notified upon occurrence of the event)(see col. 14, lines 4-7), and

upon occurrence of the event, the method and parameter data execute to pass at least one of the computer object and reference to the computer object to the software entity (thus, methods, systems and computer program products for executing an applet within a first Java version of a JVM running on a client, wherein the applet includes at least one call to a second Java version object class, are provided, a request to activate an applet is made to a server hosting the applet from a client; which is readable as upon occurrence of the event, the method and parameter data execute to pass at least one of the computer object and reference to the computer object to the software entity)(see col. 2, lines 24-29).

Remarks

C. In response to applicant's argument on pages 4 and 10, that there is no suggestion to combine the Marchesseault and Ohtsuki references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Marchesseault does not explicitly disclose a second virtual machine executing a process that receives; and a third virtual machine. However, Ohtsuki discloses a system comprises a plurality of virtual machines each including the same number of instruction processors, (see col. 2, lines 16-26). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the combined teachings of Marchesseault and Ohtsuki with a second virtual machine for receiving the message and executing the computer processor. Such modification would allow the teachings of Marchesseault and Ohtsuki to provide a plurality of operating systems to run on an information processing system, (see col. 1, lines 11-13).

In response to applicant's arguments against the references individually, on pages 4 and 5, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's arguments on pages 8-12, that "Ohtsuki and Marchesseault fail to disclose or suggest the recitations of claim 5 and neither reference provides implicit or explicit

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motivation to support the propose combination”. It is respectively submitted that Marchesseault and Ohtsuki references disclose the claimed limitations as follow: Marchesseault teaches a distributed computer system comprising a first virtual machine (thus, a first Java version of a Java Virtual Machine running on a client, which is equivalent to a first virtual machine)(see col. 2, lines 25-26);

from the first machine, a registration of interest in an event and transmits a message in response to the event, the registration of interest and the message including computer code (thus, a computer usable medium having first computer readable program code means embodied in said medium for downloading the applet to the client wherein the applet includes each object class called within the applet, the computer usable medium having second computer readable program code means embodied in said medium for downloading to the client a class interface having at least one respective identifier for the object class associated with the second Java version of the Java Virtual Machine called by the applet; which is readable as a registration of interest in an event and transmits a message in response to the event, the registration of interest and the message including computer code)(see col. 14, lines 23-32). Further, in column 4, lines 27-29, Marchesseault teaches the loader performs validity verification by parsing through the code of each downloaded class and verifying that methods called therewithin are available.

Marchesseault does not explicitly indicate a second virtual machine executing a process that receives; and a third virtual machine. However, Ohtsuki implicitly indicate a system comprises a plurality of virtual machines each including the same number of instruction processors, (see col. 2, lines 16-26). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teachings of Marchesseault and Ohtsuki with a second virtual

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machine for receiving the message and executing the computer processor. Such modification would allow the teachings of Marchesseault and Ohtsuki to provide a plurality of operating systems to run on an information processing system, (see col. 1, lines 11-13).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the rejection in last Office Action is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

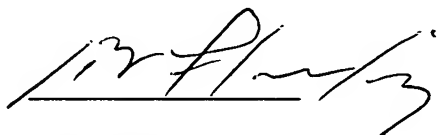
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Contact Information

5. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "***DRAFT***".


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

2003-11-11

JBF/



SHAHID ALAM
PRIMARY EXAMINER